

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

JORDAN K. LABELLE,

Case No. 25-CV-0160 (JRT/JFD)

Petitioner,

v.

REPORT AND RECOMMENDATION

WARDEN MCF-RUSH CITY,

Respondent.

Petitioner Jordan K. LaBelle has filed a petition for a writ of habeas corpus requesting relief from a state court judgment pursuant to 28 U.S.C. § 2254. (Dkt. No. 1.) Mr. LaBelle did not pay the filing fee or submit an application to proceed *in forma pauperis* (“IFP”). Accordingly, the Clerk’s Office mailed Mr. LaBelle a letter informing him that if the court did not receive his filing fee or IFP application within 15 days of the date of the letter (January 29, 2025), his case would be subject to dismissal. (Dkt. No. 2.) This letter was not returned as undeliverable.

That deadline has now passed, and Mr. LaBelle has not paid the filing fee or submitted an IFP application. In fact, Mr. LaBelle has not communicated with the Court about this case at all since commencing this action. Accordingly, this Court now recommends, consistent with the warning previously given to Mr. LaBelle, that this action be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 F. App’x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b)

for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

Based upon the foregoing, and on all of the files, records, and proceedings herein,
IT IS HEREBY RECOMMENDED that this action be **DISMISSED WITHOUT PREJUDICE** under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: February 13, 2025

/s/ John F. Docherty
JOHN F. DOCHERTY
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals. Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).